

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENNIS PETILLO, JR.,

Plaintiff,

v.

DEPARTMENT OF HEALTH,

Defendant.

No. 2:24-cv-2562 AC P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed what appears to be a collection of prison grievances and letters. ECF No. 1. No other pleadings or documents have been filed by the plaintiff. In order to commence an action, plaintiff must file a complaint as required by Rule 3 of the Federal Rules of Civil Procedure, and plaintiff must either pay the required filing fee or file an application requesting leave to proceed in forma pauperis.<sup>1</sup> See 28 U.S.C. §§ 1914(a), 1915(a). The court will not issue any orders granting or denying relief until an action has been properly commenced. Plaintiff will be provided the opportunity to file a complaint and to submit an application requesting leave to proceed in forma pauperis or submit the appropriate filing fee.

In accordance with the above, IT IS HEREBY ORDERED that:

1. The documents filed by plaintiff (ECF No. 1) are DISREGARDED;

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<sup>1</sup> If leave to file in forma pauperis is granted, plaintiff will still be required to pay the filing fee but will be allowed to pay it in installments.

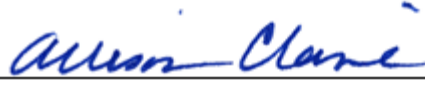
1           2. Plaintiff is granted thirty days from the date of service of this order to file a complaint  
2 that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil Procedure,  
3 and the Local Rules of Practice. The complaint must bear the docket number assigned this case.

4           3. Plaintiff shall also submit, within thirty days from the date of this order, an application  
5 to proceed in forma pauperis on the form provided by the Clerk of Court or the filing fee in the  
6 amount of \$405.00.<sup>2</sup>

7           4. Plaintiff's failure to comply with either provision of this order will result in a  
8 recommendation that this matter be dismissed.

9           5. The Clerk of the Court is directed to send plaintiff the court's form for filing a civil  
10 rights action and the application to proceed in forma pauperis by a prisoner.

11 DATED: September 25, 2024

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13 ALLISON CLAIRE  
14 UNITED STATES MAGISTRATE JUDGE  
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27 <sup>2</sup> The \$405.00 is comprised of the \$350.00 filing fee and a \$55.00 administrative fee. If plaintiff  
28 is granted leave to proceed in forma pauperis, plaintiff is not required to pay the \$55.00  
administrative fee.